



National Park Service
U.S. Department of the Interior

Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other Restrictions
Imposed Under Discretionary Authority.

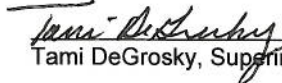
**Nez Perce National
Historical Park**

**Big Hole National
Battlefield**

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Spalding, Idaho 83540
208-843-7001 phone
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P.O. Box 237
Wisdom, Montana 59761-0237
406-689-3155 phone
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Approved:

 Date: 02/13/17
Tami DeGrosky, Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Nez Perce National Historical Park, including Big Hole National Battlefield. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours:

- Visitor Center hours are seasonally established and posted as follows: Spalding (8 a.m. to 5:30 p.m. summer, i.e. Memorial Day–Labor Day; 9 a.m. to 4 p.m. winter, i.e. late November–mid-March; 8 a.m. to 4:30 p.m. shoulder season, i.e. mid-March–Memorial Day, Labor Day–mid-November); Big Hole (9 a.m. to 5 p.m. summer, i.e. Memorial Day–Labor Day; 10 a.m. to 5 p.m. rest of year).
- Developed Areas: Year-round visiting hours are commensurate with daylight hours at the following park sites: Spalding interpretive waysides, trail, and picnic area; Big Hole trails; Bear Paw trails; Canoe Camp trails; Heart of the Monster trails and picnic area; Buffalo Eddy interpretive trail; and White Bird Battlefield interpretive trail. All areas are closed after sunset.
- Visiting hours of park sites managed under cooperative agreements by non-NPS landowners are seasonally established and advertised under the terms of the respective agreement.

Public Use Limits:

- As a public convenience, a free registration system as authorized under 36 CFR §1.5(d) exists for reserving group facilities at the Spalding picnic area. Reservations may be made by calling the Spalding visitor center at 208-843-7001. No permit is required under this voluntary system, except for those activities requiring a special use permit as identified under §1.6 below.
- In order to protect wildlife and prevent the park's use as a base of operation by hunters, the lower parking lot road at Big Hole National Battlefield is closed daily commensurate with the Montana Department Fish, Wildlife and Parks bow and rifle seasons, from 4:30 p.m. to 9 a.m.

Determining factors: these conditions are based upon visitor safety and enjoyment, and the protection of resources.

Closures:

- Picnicking and recreational activities are prohibited in the Spalding, Bredell, and Old Chief Joseph cemeteries.
- Pets are prohibited on the trails at Big Hole National Battlefield, and at the White Bird and Bear Paw battlefield sites; and within the cemeteries listed above.
- Walking or climbing upon the geologic features at East Kamiah (Heart of the Monster) is prohibited.
- Walking off established trails at the Big Hole National Battlefield and Bear Paw Battlefield is prohibited.
- Bicycling off of established roads and parking areas is prohibited at all park sites.
- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Nez Perce National Historical Park and Big Hole National Battlefield (including Spalding, Weippe Prairie, Heart of the Monster, Canoe Camp, Buffalo Eddy, Old Joseph Cemetery, White Bird Battlefield, and Big Hole/Bear Paw Battlefields) is prohibited except as approved by the superintendent.

[The term *unmanned aircraft* means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all kind of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.]

Determining factors: these conditions are based upon cultural sensitivity and respect, visitor safety and enjoyment, and the protection of resources; the Big Hole and Bear Paw battlefields are considered Nez Perce sacred sites.

- Pets are prohibited in the Spalding and Big Hole visitor centers.

Determining factors: this condition is based upon visitor safety and enjoyment, and protection of resources.

- Camping and campfires are prohibited within Nez Perce National Historical Park and Big Hole National Battlefield.

Determining factors: this restriction is based upon protection of resources. As day-use areas, camping facilities are nonexistent parkwide. The public is referred to private, county, state, and other federal agency campgrounds found in the vicinity of the 38 discrete sites comprising Nez Perce National Historical Park/Big Hole National Battlefield.

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

(f) The following is a compilation of those activities for which a permit from the superintendent is required:

- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.10(a) The following camping activities: overnight gatherings at Big Hole, Bear Paw, and White Bird battlefields, and at Weippe Prairie, for cultural/ceremonial purposes.
- §2.12 Audio Disturbances:
 - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.37 Soliciting or demanding gifts, money, goods, or services (Pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
 - (a) Use, possess, store, transport explosives, blasting agents
 - (b) Use or possess fireworks
- §2.40(d) Carry or possess a weapon, trap or net (excluding firearms carried in accordance with the respective State Law in which the Park site is located, except as noted under III General Regulations)
- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views for groups of more than 25 people
- §2.52(c) Sale or distribution of printed matter that is not solely commercial advertising
- §2.60(b) Livestock use and agriculture
- §2.62 Memorialization:
 - (a) Erection of monuments (Requires approval from Regional Director)
 - (b) Scattering ashes from human cremation
- §5.1 Advertisements (Display, posting or distribution)
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations)
- §5.5 Commercial Photography/Filming:
 - (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
 - (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising
- §5.7 Constructing or attempting to construct any building, structure, dock, road, trail, path, or public or private utility upon, across, over, through, or under any park area

Inquiries about special use activity requirements and permit applications may be made by contacting the Idaho Unit Manager, Nez Perce National Historical Park, 39063 U.S. Highway 95, Spalding ID 83540 (telephone 208-843-7051, fax 208-843-7006), or Superintendent, Big Hole National Battlefield, P.O. Box 237, Wisdom MT 59761-0237 (telephone 406-689-3155, fax 406-689-3151).

Activity permits may also be required at non-NPS owned sites within Nez Perce National Historical Park, as may be stipulated under the terms of the respective cooperative agreement between the NPS and site landowner. Contact the park for details.

III. GENERAL REGULATIONS

NOTE: Each of the following underlined sections include language (in the CFR) that authorizes the superintendent to designate areas or sites for certain activities or uses; set terms and/or conditions for activities or uses; require a permit; set procedures, or a combination thereof. Since the authority to exercise discretion is built-in, a written determination in each case is not required, except when specifically required.

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

(b) Hiking or pedestrian traffic is restricted to the trail or walkway as listed in Section 1.5 of this document.

- Pedestrian traffic is limited to the walkway, lawn, and picnic areas external to the fenced geologic features at East Kamiah (Heart of the Monster); and to the established walking trails at the Big Hole National Battlefield and at Bear Paw Battlefield.

36 CFR §2.11 – PICNICKING

Certain areas have been closed to picnicking and are listed in 36 CFR §1.5(a)(1) "Closures".

Conditions for Picnicking:

- Picnicking is restricted to daylight hours in the designated picnic areas at Spalding, East Kamiah, Canoe Camp, Big Hole, and Bear Paw picnic areas.

36 CFR 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

Designated Areas:

- Charcoal cooking fires are allowed in the grates provided in the Spalding picnic area, as are portable gas grills.

Receptacles Allowed:

- Portable charcoal grills and gas grills are allowed in the Spalding, Canoe Camp, East Kamiah, and Bear Paw picnic areas.

Established Conditions for Fires:

- Charcoal and gas grill cooking are permitted in the Spalding, Canoe Camp, East Kamiah, and Bear Paw picnic areas except during high or extreme wildfire conditions, when such activity shall be prohibited.

36 CFR §2.14 – SANITATION and REFUSE

(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is allowed under the following conditions:

- Residents of park housing at Big Hole National Battlefield may dispose of household refuse in the government refuse receptacles provided.

36 CFR §2.15 – PETS

(a)(1) The following structures and/or areas are closed to the possession of pets:

- The trails and visitor center at Big Hole National Battlefield.
- The White Bird and Bear Paw battlefield sites.
- The Spalding visitor center.
- The Bredell, Spalding, and Old Chief Joseph cemeteries.

(a)(2) Pets will be restrained on a leash not less than six feet in length, or otherwise physically confined, on areas open to the possession of pets.

(a)(5) Pet excrement must be disposed in accordance with the following conditions:

- Pet excrement must be immediately collected and disposed of in the nearest trash receptacle.

(e) Pets may be kept by park residents of Big Hole National Battlefield under the conditions specified in the Big Hole National Battlefield Housing Plan.

36 CFR §2.16 – HORSES and PACK ANIMALS

(b) The use of horses or pack animals is allowed on the following trails, routes or areas:

- Horses are allowed in the Big Hole, White Bird, and Bear Paw battlefields, and at Spalding and Weippe Prairie, pursuant to special events, commemorations, special interpretive or educational programs and other activities conducted under a special use permit.

36 CFR §2.19 – WINTER ACTIVITIES

(a) The following park roads and/or parking areas open to motor vehicle traffic may be used for skiing, snowshoeing, ice skating, innertubing, tobogganing, and similar winter activities under the conditions noted:

- Established Big Hole public roads, pedestrian trails, and parking areas may be used for cross-country skiing and snowshoeing.

36 CFR §2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

The use of rollerskates, skateboards, roller skis, coasting vehicles, or similar devices are allowed only in the following areas:

- Big Hole National Battlefield residential zone.

36 CFR §2.21 – SMOKING

(a) The following portions of the park, or all or portions of buildings, structures or facilities are closed to smoking as noted:

- Per Federal regulations smoking is prohibited in or within 25 feet of all government buildings. This prohibition does not include smoking in non-shared government quarters at Big Hole National Battlefield.
- *Smoking* means the carrying of lighted cigarettes, cigars or pipes; or the intentional and direct inhalation of smoke from these objects; or the direct inhalation of vapor from an electronic nicotine delivery system. *Electronic nicotine delivery system* means an electronic device, such as an electronic cigarette, that a person uses to simulate smoking by inhaling vapor from the device.
- Smoking is prohibited in the leased Oregon/Washington Unit manager's office at Joseph, Oregon; in the leased office of the Bear Paw Battlefield ranger in Chinook, Montana; and in the maintenance facilities at East Kamiah and Canoe Camp.
- All outdoor areas so designated and posted during periods of high or extreme wildfire conditions. During such periods alternate smoking areas may be specified as the Superintendent directs.

Determining factors: these restrictions are intended to reduce any possible conflict between users and the harmful effects of second hand smoke and to protect park resources.

36 CFR §2.4 – WEAPONS, TRAPS AND NETS

(h) Notwithstanding any other provision in this Chapter, a person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in accordance with the laws of the state in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

- The possession of, or causing to present, a firearm or other dangerous weapon in park offices, visitor centers, and maintenance facilities at Nez Perce National Historical Park and Big Hole National Battlefield is prohibited under Title 18 United States Code, Section 930 (a) and (b).
- This restriction also applies to the leased Oregon/Washington Unit manager's office at Joseph, Oregon, and the leased office of the Bear Paw Battlefield ranger in Chinook, Montana.
- Notice of this prohibition will be posted conspicuously at each public entrance of the park facilities to which it applies.
- License to carry a concealed firearm issued under state law is not an exception to this Federal prohibition.

36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS and §2.52(c) – SALE OR DISTRIBUTION OF PRINTED MATTER THAT IS NOT SOLELY COMMERCIAL ADVERTISING

§2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views; and §2.52(c): Sale or distribution of printed matter

- Demonstrations by 25 or fewer persons may be conducted without a permit in the available park areas so designated.
- In accordance with 36 CFR §2.51(b)(1)(i)-(ii) and §2.52(b)(1)(i)-(ii), this small group permit exception is contingent upon the other conditions required for the issuance of a permit being met: the group must not be merely an extension of another group already availing itself of the 25-person maximum; and the activity must not unreasonably interfere with other demonstrations, special events, or NPS program activities.
- As designated by the Superintendent pursuant to 36 CFR §2.51(c)(2), the following locations are available within the park for public assemblies and for sale or distribution of printed matter as indicated below:
 - Spalding: Lawn north of east-west sidewalk approaching Visitor Center
 - Canoe Camp: Lawn west of the sidewalk/apron fronting the park restroom
 - East Kamiah: Lawn north of traffic entrance, between shelter overlook sidewalk and boundary paralleling U.S. Highway 12
 - Big Hole: Lawn southwest side of parking lot sidewalk leading to Visitor Center
 - Bear Paw: Lower parking area near picnic shelter.
- Maps of these designated First Amendment (free speech) areas are available from the superintendent's office at:

Nez Perce National Historical Park, 39063 U.S. Highway 95, Spalding ID 83540
 Big Hole National Battlefield, P.O. Box 237, Wisdom MT 59761-0237

36 CFR §4.30 – BICYCLES

(a) bicycle use is permitted on park roads, parking areas, and on the following designated routes:

- Bicycle use is only permitted on park roads and parking areas at all sites of Nez Perce National Historical Park and Big Hole National Battlefield.